



UNITED STATES PATENT AND TRADEMARK OFFICE

PH
✓
AMW

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COOLEY GODWARD LLP
ATTN: PATENT GROUP
11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE- RESTON TOWN CENTER
RESTON VA 20190-5061

MAIL

JAN 28 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION

In re Application of
Curtis Priem, et al.
Application No. 09/056,656
Filed: April 7, 1998
For: **TEXTURE CACHE FOR A COMPUTER
GRAPHICS ACCELERATOR**

This is a decision regarding the petition to withdraw the above-identified application from issue pursuant to the provisions of 37 CFR 1.313.

Petitioner requests that the application be withdrawn from issue given that two Information Disclosure Statements were allegedly not reviewed by the patent examiner.

A review of the application file reveals that a Notice of Allowance and a Notice of Allowability were mailed for the above-identified application on September 21, 2004. However, the review also reveals that a request for continued examination (i.e., RCE), filed December 20, 2004.

37 C.F.R. § 1.313 Withdrawal from issue, states in part:

(a) Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary. A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee. If the Office withdraws the application from issue, the Office will issue a new notice of allowance if the Office again allows the application. [emphasis added]

An application may be removed from the Office of Patent Publication, without it being withdrawn from issue in order to permit the examiner to consider an information disclosure statement or whether one or more claims are unpatentable. Consideration of an IDS is not considered good and sufficient reasons for withdrawing an application from issue.

However, given that Applicants filed a request for continued examination (RCE) in accordance with 37 C.F.R. § 1.313(a), prior to the payment of the Issue fee, the petition is Dismissed as Moot.

The application will be forwarded to Technology Center's technical support staff for processing Applicant's request for continued examination (RCE). From there, the application will be forwarded to the examiner for further action as appropriate.


Leo Boudreau, Director (Acting)
Technology Center 2600
Communications